



Case 33284-US-PCT

SEP 13 2006

DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION

Original

Supplemental

Substitute

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**3H-PHENOXAZINE DERIVATIVES SUITABLE AS NEAR-INFRARED IMAGING AGENTS,
PREPARATION AND USE THEREOF**

the specification of which:

is attached hereto.

was filed on _____ as Application No. _____
(day/month/year)

and, if this box () contains an x

was amended on _____
(day/month/year)

was filed as Patent Cooperation Treaty international Application No.

PCT/EP2004/009255 on 17/08/2004
(day/month/year)

and, if this box () contains an x

entered the national stage in the United States and was accorded Application No.

and, if this box () contains an x

was amended, subsequent to entry into the national stage, on _____
(day/month/year)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) specifically referred to above and, if this application was filed as a Patent Cooperation Treaty international application, by any amendments made during the international stage (including any made under Patent Cooperation Treaty Rule 91, Article 19 and Article 34).

I acknowledge my duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including, for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or Patent Cooperation Treaty international filing date of the continuation-in-part application.

I hereby claim the benefit under 35 U.S.C. 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's certificate or plant breeder's right certificate listed below and under 35 U.S.C. 365(a) of any Patent Cooperation Treaty international application(s) designating at least one country other than the United States listed below and have also listed below any foreign application(s) for patent, inventor's certificate or plant breeder's right certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application the priority of which is claimed for that subject matter:

COUNTRY/REGION (OR P.C.T.)	APPLICATION No.	FILING DATE (day/month/year)	PRIORITY CLAIMED
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

APPLICATION NO.	FILING DATE (day/month/year)
60/495,921	18/08/2003

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) listed below and under 35 U.S.C. 365(c) of any Patent Cooperation Treaty international application(s) designating the United States listed below:

United States Application No.	United States Filing Date (day/month/year)	Status (Pending, Abandoned or U.S. Patent No.)	International Application No. and Filing Date (day/month/year)

I hereby appoint all of the registered practitioners associated with Customer No. 001095, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

If this box () contains an x , I hereby authorize the registered practitioners associated with Customer No. 001095 and any others acting on my behalf to take any action relating to this application based on communications from Corporate Intellectual Property of Novartis International AG, Basle, Switzerland, or an affiliate thereof or a successor thereto, without direct communication from me.

Please send all correspondence relating to this application to the address associated with Customer No. 001095.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole
or first joint inventor **Yves AUBERSON**

Inventor's signature *Yves Auberson* Date *14/08/06* X
(day/month/year)

Residence **Traubenzweg 7, 4123 Allschwil**

Citizenship **Swiss**

Post Office Address **Traubenzweg 7, 4123 Allschwil,
Switzerland**

Full name of second
joint inventor, if any **Hans-Ulrich GREMLICH**

Inventor's signature *Hans-Ulrich Gremlich* Date *06/02/06* X
(day/month/year)

Residence **Buchenrain 3, 4106 Therwil**

Citizenship **Swiss**

Post Office Address **Buchenrain 3, 4106 Therwil,
Switzerland**

IMPORTANT: Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

Full name of third joint inventor, if any **Martin HINTERSTEINER**

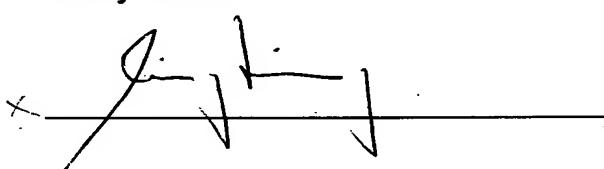
Inventor's signature _____ Date _____
(day/month/year)

Residence **Erzbischofsgasse 32/16, 1130 Wien**

Citizenship **Austrian**

Post Office Address **Erzbischofsgasse 32/16, 1130 Wien,
Austria**

Full name of fourth joint inventor, if any **Willy KINZY**

Inventor's signature  Date 13/02/06 (day/month/year) 

Residence **Talweg 28A, 79540 Lörrach**

Citizenship **German**

Post Office Address **Talweg 28A, 79540 Lörrach, Germany**

Full name of fifth joint inventor, if any **Rainer KNEUER**

Inventor's signature  Date 06/02/06 (day/month/year) 

Residence **Königsbergerstr. 3, 79539 Lörrach**

Citizenship **German**

Post Office Address **Königsbergerstr. 3, 79539 Lörrach,
Germany**

Full name of third
joint inventor, if any

Martin HINTERSTEINER

Inventor's signature

Martin Hintersteiner

Date

01.02.2006

(day/month/year)

Residence

Erzbischofsgasse 32/16, 1130 Wien

Citizenship

Austrian

Post Office Address

**Erzbischofsgasse 32/16, 1130 Wien,
Austria**

Full name of fourth
joint inventor, if any

Willy KINZY

Inventor's signature

Date

(day/month/year)

Residence

Talweg 28A, 79540 Lörrach

Citizenship

German

Post Office Address

Talweg 28A, 79540 Lörrach, Germany

Full name of fifth
joint inventor, if any

Rainer KNEUER

Inventor's signature

Date

(day/month/year)

Residence

Königsbergerstr. 3, 79539 Lörrach

Citizenship

German

Post Office Address

**Königsbergerstr. 3, 79539 Lörrach,
Germany**